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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/929,590	08/14/2001	John R. Reynolds	41530/28295	3647

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EXAMINER	
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ART UNIT	PAPER NUMBER

3763

DATE MAILED: 09/20/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-8, 14-24 and 44-53 are drawn to electrode drug system with electroactive polymer, classified in class 604, subclass 501.
 - II. Claims 9-13, are drawn to method of providing medicine to a patient, classified in class 128, subclass 898.
 - III. Claims 25-28 are drawn to method of making an electronically polymer, classified in class 424, subclass 400.
 - IV. Claims 29-38 are drawn to method of administering medicine through signaling, classified in class 607, subclass 32.
 - V. Claims 39-43, drawn to method of manufacturing an electrical signal by telemetry, classified in class 369, subclass 30.18.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions II, IV, V and I are related as process and apparatus for its practice.

The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process can be practiced with any iontophoresis device, not the only specifically claimed in Group I that also contains an electroactive polymer.

3. Inventions III and I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be

practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case another materially different apparatus such as an implantable iontophoresis device can practice the process.

4. Inventions III and II are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different modes of operation, and different functions, Invention II deals with the method of providing medicine to a patient by the use of electrodes and pads, while Invention III deals with the making of the conductive polymer that has the capability to release medication when a current is applied, therefore, Invention III could be applied to making a coating for an implantable iontophoresis device as well as the claimed invention.

5. Inventions II, III and IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different modes of operation because in invention IV the process of administering medicine to a patient is through signaling, wherein sending and receiving signals involve different structure and more complicated electrically devices than an electrode, therefore, Invention IV would have a different mode of operation than Inventions II & III.

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6. Inventions II, III, IV and V are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions have different functions, and mode of operation, where in invention V, a doctor observes a patient's vital signs and then determines treatment and sends a signal by telemetry, there is no mention of an electrode, or an electrode drug release system, therefore any device that receives telemetry could be used, such as a pacemaker.

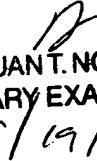
7. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

8. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew F DeSanto whose telephone number is 1-703-305-3292. The examiner can normally be reached on Monday-Friday 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Casler can be reached on 1-703-308-3552.




ANHTUAN T. NGUYEN
PRIMARY EXAMINER
7/19/02